

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ISAIAH HERNDON,  
Plaintiff,  
v.  
RENO POLICE DEPARTMENT, et al.,  
Defendants

3:22-cv-00227-MMD-CSD

## **ORDER RE: SERVICE OF PROCESS**

On September 14, 2022, the court issued an order permitting Plaintiff's complaint to proceed on the Fourth Amendment knock-and-announce claim against Defendants Thomas and Welin and dismissed the Reno Police Department with leave to amend. (ECF No. 4 at 7.) The court gave Plaintiff 30 days from the date of that order to file an amended complaint curing the deficiencies noted in the order as to the Reno Police Department. (*Id.*) The court specifically stated that if Plaintiff chose not to file an amended complaint, the action would proceed only against Defendants Thomas and Welin. (*Id.*) Plaintiff has not filed an amended complaint.

**IT IS HEREBY ORDERED** that the Clerk of Court shall **ISSUE** summonses for Defendants Thomas and Welin, **and deliver the same**, to the U.S. Marshal for service. The Clerk also shall **send** sufficient copies of the complaint (ECF No. 5) and this order to the U.S. Marshal for service on the Defendants.

**IT IS FURTHER ORDERED** that the Clerk shall **send** to Plaintiff **two (2)** USM-285 forms. Plaintiff will have **thirty (30) days** from the date of this order within which to furnish to the

1 U.S. Marshal the required USM-285 forms with relevant information as to Defendants Thomas and  
2 Welin on each form.

3 **IT IS FURTHER ORDERED** that within **twenty (20) days** after receiving from the  
4 U.S. Marshal a copy of the USM-285 form showing whether service has been accomplished on  
5 Defendants Thomas and Welin, Plaintiff must file a notice with the court indicating whether  
6 Defendants were served. If Plaintiff wishes to have service again attempted on an unserved Defendant,  
7 then a motion must be filed with the court identifying the unserved Defendant and specifying a more  
8 detailed name and/or address for said Defendant, or whether some other manner of service should be  
9 attempted.

10 **IT IS FURTHER ORDERED** that Plaintiff will serve upon Defendant(s) or, if an appearance  
11 has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other  
12 document submitted for consideration by the court. If Plaintiff electronically files a document with the  
13 court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev.  
14 Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the court, Plaintiff  
15 shall include with the original document submitted for filing a certificate stating the date that a true  
16 and correct copy of the document was mailed to the Defendants or counsel for the Defendants. If  
17 counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney  
18 named in the notice of appearance, at the physical or electronic address stated therein. The court may  
19 disregard any document received by a district judge or magistrate judge which has not been filed with  
20 the Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to  
21 include a certificate showing proper service when required.

**IT IS FURTHER ORDERED** that service must be completed as to Defendants Thomas and Welin within **90 days** of the date of this order or the Defendants may be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

DATED: November 7, 2022.

UNITED STATES MAGISTRATE JUDGE